

1 PHILLIP A. TALBERT  
United States Attorney  
2 LAUREL J. MONTOYA  
Assistant United States Attorney  
3 Robert E. Coyle Federal Courthouse  
2500 Tulare Street  
4 Fresno, CA 93721  
(559) 497-4000  
5  
6 Attorneys for Plaintiff  
United States of America  
7  
8

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 DAMIEN TORRES,  
15 Defendant.

CASE NO. 1:22-CR-00250-JLT-SKO  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
DATE: October 29, 2024  
TIME: 8:30 a.m.  
COURT: Hon. Jennifer L. Thurston

16  
17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for jury trial on October 29, 2024.  
21 2. By this stipulation, defendant and government now move to continue the jury trial on  
22 March 25, 2025, and to exclude time between October 29, 2024, and March 25, 2025, under Local Code  
23 T4.  
24 3. The parties agree and stipulate, and request that the Court find the following:  
25 a) The government has provided initial discovery and is looking into whether there  
26 is supplemental discovery that needs to be received for production.  
27 b) The parties have been in plea discussions however the matter has not resolved to  
28 date.

1           c)     Counsel for the government will be on medical leave the end of September and  
2 anticipates being on said leave the majority of October 2024.

3           d)     Counsel for defendant needs time to determine how recent Ninth Circuit decisions  
4 affect this matter and if dispositive motions need to be filed. It is anticipated that this will not be  
5 able to be determined until after November 2024.

6           e)     The estimated trial time is 3-4 days.

7           f)     The defendant agrees and stipulates that time should be excluded for the  
8 aforementioned reasons.

9           g)     Counsel for defendant believes that failure to grant the above-requested  
10 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
11 into account the exercise of due diligence.

12          h)     Based on the above-stated findings, the ends of justice served by continuing the  
13 case as requested outweigh the interest of the public and the defendants in a trial within the  
14 original date prescribed by the Speedy Trial Act.

15          i)     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
16 et seq., within which trial must commence, the time period of October 29, 2024 to March 25,  
17 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
18 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
19 of the Court's finding that the ends of justice served by taking such action outweigh the best  
20 interest of the public and the defendant in a speedy trial.

21          4.     Nothing in this stipulation and order shall preclude a finding that other provisions of the  
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
23 must commence.

24          IT IS SO STIPULATED.

25  
26          [Remainder of this page intentionally left blank.]  
27  
28

Dated: September 17, 2024

PHILLIP A. TALBERT  
United States Attorney

Dated: September 17, 2024

/s/ SERITA RIOS

SERITA RIOS  
Counsel for Defendant  
DAMIEN TORRES

## **FINDINGS AND ORDER**

IT IS SO FOUND that the ends of justice are served by requested continuance.

IT IS FURTHER FOUND that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and that time is deemed excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS ORDERED that the jury trial set for October 29, 2024 is continued to March 25, 2025, and that the time period of October 29, 2024 to and through March 25, 2025 be excluded from the time in which trial must commence.

DATED: September 18, 2024

Jennifer L. Thurston  
HON. JENNIFER L. THURSTON  
United States District Judge